

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 05/30/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE APPLICATION OF	:	22-MC-320 (VEC)
ADIDAS AG FOR AN ORDER OF ATTACHMENT	:	
IN AID OF ARBITRATION	:	<u>ORDER</u>
	:	
-----X	:	

VALERIE CAPRONI, United States District Judge:

WHEREAS on May 26, 2023, Petitioner adidas AG (“adidas”) moved by way of an order to show cause for a temporary restraining order (“TRO”) pursuant to Fed. R. Civ. P. 65: (1) freezing up to \$75 million held in Respondents Chase accounts, (2) requiring Respondents to return any money that they had withdrawn from the Chase accounts after the Attachment Order was vacated, and (3) requiring Respondents to rescind any pending requests to withdraw funds from the Chase accounts, Pet. Mot., Dkt. 48;

WHEREAS on May 29, 2023, Respondents opposed adidas’s motion for a TRO, Resp’ts Opp., Dkt. 52;

WHEREAS on May 30, 2023, adidas renewed its motion for an order of attachment of funds held by JPMorgan Chase belonging to Respondents and to a previously-undisclosed entity, Getting Out Our Dreams, Inc., Dkt. 60; and

WHEREAS the Court previously granted the parties leave to redact certain information from their public filings in this matter, Order, Dkt. 9;

WHEREAS the parties appeared before the Undersigned for a hearing on adidas’s motion for a TRO on May 30, 2023, and at the hearing, the parties discussed matters that had previously been under seal while several members of the public were present;

WHEREAS both parties have moved to redact certain portions of documents filed in conjunction with adidas's motion for a TRO and for a renewed order of attachment, Resp'ts Mot. to Seal, Dkt. 51; Pet. Mot. to Seal, Dkt. 59;

WHEREAS the McIntire Declaration filed in conjunction with adidas's motion for a second order of attachment omitted Exhibits 2 and 6, *see* McIntire Decl., Dkt. 66;

IT IS HEREBY ORDERED that for the reasons stated at the May 30, 2023, hearing, adidas's motion for a TRO is DENIED.

IT IS FURTHER ORDERED that Petitioner must submit a supplemental brief setting forth the additional caselaw that Petitioner's counsel discussed at the May 30, 2023, hearing, and resubmit the McIntire Declaration with all of its exhibits by **5:00 P.M. on May 30, 2023**.

IT IS FURTHER ORDERED that Respondents' opposition is due by **5:00 P.M. on May 31, 2023**, and Petitioner's reply is due by **5:00 P.M. on June 1, 2023**.

IT IS FURTHER ORDERED that if Respondents' counsel represents Getting Out Our Dreams, Inc., it must file a notice of appearance stating that it represents Getting Out Our Dreams, Inc. by **May 31, 2023**.

IT IS FURTHER ORDERED that, in light of the fact that the parties discussed in a public forum matters that had previously been sealed, the pending motions to seal are DENIED without prejudice. Not later than **June 2, 2023**, the parties must show cause why this matter should not be unsealed in its entirety or with very narrowed redactions. All documents submitted under seal will be maintained under seal to permit the parties to brief this issue.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to terminate the open motions at Dkts. 51 and 59.

SO ORDERED.

**Date: May 30, 2023
New York, NY**



**VALERIE CAPRONI
United States District Judge**